

**FILED**

OCT 26 2011

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ALBANY, NY

To commence the statutory  
time for appeals as of right  
(CPLR 5513[a]), you are  
advised to serve a copy  
of this order, with notice  
of entry, upon all parties

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

Present: HON. BRUCE E. TOLBERT  
J.S.C.

LAUREL TORRES,

Plaintiff,

FILED AND ENTERED

October 12, 2011

WESTCHESTER COUNTY CLERK

-against-

FRAIR TUCK, LTD, ET AL.,

Index # 21648/09

**DECISION AND ORDER**

Defendants,

TOLBERT, J.

This Court was referred this for an inquest on damages. All named Defendants defaulted on the issue of liability.

The Plaintiff testified that on September 5, 2009, while entering the Defendant's property she slipped on wet tile, fell backwards and used her right arm/hand to break her fall. She felt immediate and extreme pain and her right hand appeared, for the first time, disfigured. Plaintiff is right hand dominant.

Employees of Defendants responded, called an ambulance that arrived some forty (40) minutes later. Plaintiff's wrist was braced and she was transported to the local hospital, where immediate surgery was recommended and done. Plaintiff remained in the hospital for two (2) days and discharged home. Upon discharge, Plaintiff was fitted for and placed in a hard cast up to her shoulder.

Plaintiff wore this cast for four (4) weeks. During that period, she could not dress, shower, eat, write or drive a vehicle without the help of friends and family. Sleeping was difficult in that Plaintiff could not turn her body.

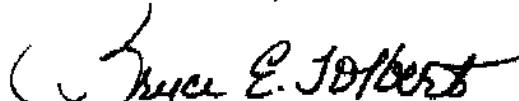
Upon removal of the cast, Plaintiff was fitted for another cast from the right elbow down. Plaintiff's wrist remained immobilized and she could not drive. Plaintiff missed some time from work, but did not lose any wages.

Plaintiff went through a course of physical therapy, which helped, but her wrist is still stiff from time to time and she suffers from limited mobility in her right thumb and two fingers. Further, she has lost the ability to do volunteer teaching of cake decorating because she can not handle and manipulate the tools.

Today, she still has difficulties with her handwriting, ripping and/or opening certain types of packages, putting on jewelry, taking care of her personal hygiene.

The court awards Plaintiff the following damages:

Past pain and suffering	\$200,000.00
Future pain and suffering for ten (10) years	<u>150,000.00</u>
Total	\$350,000.00



**Honorable Bruce E. Tolbert**  
**Justice of the Supreme Court**

Dated: October 2, 2011  
White Plains, New York

To: Lefkowicz & Gottfried, LLP  
Attorneys for Plaintiff  
150 Broadway - Suite 1007  
New York, New York 10038